

COMPLAINT

1. Plaintiff Babar Javed Butt brings this action against the above named Defendants collectively referred to as “**Defendants**” in this complaint under the Freedom of Information Act 5. U.S.C § 552 (“FOIA”) and the Privacy Act (“Privacy Act”) 5. U.S.C § 552a seeking declaratory and injunctive relief to compel compliance with the requirements of FOIA and the Privacy Act.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 5. U.S.C § 552 (a)(4)(B) and 28. U.S.C § 1331.

3. Venue is proper in this District pursuant to 28. U.S.C § 1391(e) and 5. U.S.C § 552 (a)(4)(B).

TIME FOR DEFENDANT TO RESPOND

4. Pursuant to FOIA, **Defendants** have thirty (30) days to respond to the instant Complaint 5. U.S.C § 552 (a)(4)(C).

PLAINTIFF OBJECTS TO ANY CONTINUANCE

5. Plaintiff is currently in immigration proceedings at risk of deportation and because **Defendants** have been given adequate time to respond Plaintiff objects to any unwarranted continuance.

PARTIES

6. Plaintiff, proceeding Pro Se, is an immigration detainee at Moore Detention Center (Okmulgee, Oklahoma) in removal proceedings

7. Defendant *U.S Department of State* is an agency of the United States Government headquartered at 2201 C Street, N.W, Washington, DC 29520.

8. Defendant *Central Intelligence Agency* is an agency of the United States Government within the meaning of 5. U.S.C § 552(f).

9. Defendant *Department of Justice* (“DOJ”) is an agency of the United States Government headquartered at 950 Pennsylvania Avenue NW, Washington, DC 20530. The *Executive office for Immigration Review* (“EOIR”) is a component of the DOJ.

10. Defendant *Department of Homeland Security* (“DHS”) is an agency of the United States Government headquartered at 245 Murray Lane, SW, Washington D.C 20528. Defendant *Immigration and Customs Enforcement* (“ICE”) is a component of DHS.

STATEMENT OF FACTS

1. Defendant Department of State

11. On July 26th 2019, Plaintiff submitted a FOIA request to Defendant Department of State. Please see attached Exhibit 1. By a letter dated August 21st 2019 Defendant Department of State acknowledged the receipt of Plaintiff’s FOIA request and assigned a reference number. Please see attached Exhibit 2.

12. As of the date of this Complaint, Defendant Department of State has failed to: (i) produce the requested records or demonstrate that the requested records are lawfully exempt from production; (ii) notify Plaintiff of the scope of any responsive records Defendant intends to produce or withhold and the reasons for any withholdings; (iii) expedite the processing of Plaintiff’s FOIA request; or (iv) inform Plaintiff that it may appeal any adequately specific, adverse determination.

2. Defendant Central Intelligence Agency (CIA)

13. On July 26th 2019, Plaintiff submitted a FOIA request to the CIA. Please see attached Exhibit 3. By a letter dated July 31st 2019 Defendant CIA acknowledged the receipt of Plaintiff’s FOIA request and assigned a reference numbers. Please see attached Exhibit 4.

14. As of the date of this Complaint, Defendant CIA has failed to: (i) produce the requested records or demonstrate that the requested records are lawfully exempt from production; (ii) notify Plaintiff of the scope of any responsive records Defendant intends to produce or withhold and the reasons for any withholdings; (iii) update Plaintiff on his appeal against the denial of his request to expedite his FOIA processing; or (iv) inform Plaintiff that it may appeal any adequately specific, adverse determination.

3. Defendant Department of Justice and its component Executive office for Immigration Review (“EOIR”).

Executive office for Immigration Review (“EOIR”)

15. On July 30th 2019, Plaintiff mailed a FOIA request to Defendant EOIR. Please see attached Exhibit 5. Defendant EOIR acknowledged the receipt on or about August 15th 2019 and assigned a reference number³.

16. As of the date of this Complaint, Defendant EOIR has failed to: (i) produce the requested records or demonstrate that the requested records are lawfully exempt from production; (ii) notify Plaintiff of the scope of any responsive records Defendant intends to produce or withhold and the reasons for any withholdings; (iii) expedite the processing of Plaintiff’s FOIA request; or (iv) inform Plaintiff that it may appeal any adequately specific, adverse determination.

4. Defendant Department of Homeland Security (“DHS”) and its component Immigration and Customs Enforcement (“ICE”)

Department of Homeland Security & Immigration and Customs Enforcement

17. On August 6th 2019 Plaintiff submitted a FOIA requests to Defendant ICE. Please see attached Exhibit 6. By a letter dated August 15st 2019 Defendant ICE acknowledged the receipt of Plaintiff’s FOIA request and assigned a reference number. Please see attached Exhibit 7.

18. As of the date of this Complaint, Defendant ICE has failed to: (i) produce the requested records or demonstrate that the requested records are lawfully exempt from production; (ii) notify Plaintiff of the scope of any responsive records Defendant intends to produce or withhold and the reasons for any withholdings; (iii) expedite the processing of Plaintiff’s FOIA request; or (iv) inform Plaintiff that it may appeal any adequately specific, adverse determination.

(Remainder of the page left blank)

³ Plaintiff misplaced the letter of receipt that Defendant EOIR mailed therefore Plaintiff does not have the reference number to submit to court

COUNT 1

VIOLATION OF FOIA 5. U.S.C § 552 AND 5. U.S.C § 552a

19. Plaintiff realleges paragraphs 1 through 18 as if fully stated herein.

20. Plaintiff is being irreparably harmed because of **Defendants** violations of FOIA and PA and will continue to be irreparably harmed unless **Defendants** are compelled to comply with FOIA & PA.

21. To trigger FOIA's administrative exhaustion requirement, **Defendants** were required to determine whether to comply with Plaintiff's request within twenty (20) working days of receiving the request. At a minimum, **Defendants** were required to (i) gather and review the requested documents; (ii) determine and communicate to Plaintiff the scope of any responsive records **Defendants** intended to produce or withhold and the reasons for any withholdings; and (iii) inform Plaintiff that it may appeal any adequately specific, adverse determination.

22. Because **Defendants** failed to determine whether to comply with Plaintiff's request within the time required by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies. 5. U.S.C. 552(a)(6)(C)(i).

RELIEF

Wherefore, Plaintiff respectfully requests that the court: (1) order **Defendants** to conduct search for any and all records responsive to Plaintiff's request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to the request (2) order **Defendants** to produce, by a date certain, any and all non-exempt records to Plaintiff's request and a *Vaughn* index of any responsive records withheld under claim of exemption; (3) enjoin **Defendants** from continuing to withhold any and all non-exempt records responsive to the request (4) order **Defendants** to describe with particularity and support with substantial evidence the reason for withholding each document (5) direct the **Defendants** to expedite and waive any costs associated with production of records (6) ensure that **Defendants** don't take any actions to moot Plaintiff's complaint in bad faith (7) grant Plaintiff any litigation costs and award attorney fees if an attorney is

retained by Plaintiff in the future and (8) grant Plaintiff such other relief as the Court deems just and proper.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Babar", with a long horizontal stroke extending to the right.

Babar Butt
A# 208 299 802
111 S Alabama
Okmulgee, OK, 74447
10/06/2019

Certificate of Interested Parties

I certify that to the best of my knowledge the following are interested parties in this case

U.S. Department of State
Central Intelligence Agency
U.S. Department of Justice
U.S. Department of Homeland Security
Executive office for Immigration review
Immigration and Customs Enforcement



Babar Butt
A# 208 299 802
111 S Alabama
Okmulgee, OK, 74447
10/06/2019

To: Fax (1) 202 261 8579

Freedom of Information Act Request

Please mail all responses at the following address:

Babar Javed Butt
A# 208 299 802
111 S ALABAMA
OKMULGEE, OK, 74447

Pursuant to the Freedom of Information Act, 5 U.S.C. 552 and the Privacy Act 5 U.S.C. 552a, I request the following information in possession or knowledge of the Department of State, US Embassies or Consulates in Pakistan or any of its employees:

1. All documents, emails, reports, memos, files, articles in possession or in the knowledge of Department of State, United States Consulates or US Embassies in Pakistan that discusses any Pakistani citizen accused of blasphemy between 2013 and July 23rd 2019.
2. All documents, emails, reports, memos, files, articles in possession or in the knowledge of Department of State, United States Consulates or US Embassies in Pakistan that discusses any *fatwas* or *religious decrees* issued against any Pakistani citizen for committing apostasy, blasphemy, insulting Islam or Prophet Mohammed between 2013 and July 23rd 2019.
3. All documents, emails, reports, memos, files, articles in possession or in the knowledge of the or in the knowledge of Department of State, United States Consulates or US Embassies in Pakistan that discusses any court cases filed against any Pakistani citizen accused of committing blasphemy or apostasy between 2013 and July 23rd 2019 and the case details.
4. All documents, emails, reports, memos, files, articles in possession or in the knowledge of the or in the knowledge of Department of State, United States Consulates or US Embassies in Pakistan that discusses any Pakistani citizen being a target for promoting atheism between 2013 and July 23rd 2019.
5. All documents, emails, reports, memos, files, articles in possession or in the knowledge of the or in the knowledge of Department of State, United States Consulates or US Embassies in Pakistan that discusses any Pakistani citizen who was granted asylum either in the United States or in any other country for being an apostate, a blasphemer, an atheist or accused of any anti religion activity that allegedly hurt the sentiments of Muslims in Pakistan.

Please provide a reasonably detailed affidavit, setting forth the search terms and the type of search performed, the databases searched, and averring that all files databases and other resources likely to contain responsive materials were searched. In the event that my request is denied in whole or in parts, please provide me with a detailed justification for withholding records. **I also request any segregable portions that are not exempt to be disclosed.**

In addition I also humbly request a waiver of any fees, if possible, as I have been incarcerated for approximately three years with no source of income and my need of the above requested document on urgent basis is to save my life.

Thank you



Babar Butt

A# 208 299 802

111 S Alabama

Okmulgee, OK, 74447

07/23/2019



United States Department of State

Washington, D.C. 20520

AUG 21 2019

F-2019-08301

Barbar Javed Butt
A# 208 299 802
111 S Alabama
Okmulgee, OK 74447

Dear Mr. Butt:

This letter is to acknowledge receipt of your request dated July 26, 2019, pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to the Department of State, in which you requested all documents possessed by the Department of State regarding accusations of apostasy, fatwas, religious decrees, atheism, and blasphemy in Pakistan from January 1, 2013, to July 23, 2019.

The Office of Information Programs and Services (IPS) received your FOIA request on July 26, 2019. Your FOIA request was assigned the tracking number at the top of this letter. Please include the tracking number in all future communications concerning this FOIA request. We have classified you as an "other-use" requester.

The records you seek require the need to search in offices that are separate from the office processing your request. Accordingly, your request falls within "unusual circumstances" as defined in the FOIA. See 5 U.S.C. § 552(a)(6)(B)(i)-(iii). Because of these unusual circumstances, we need to extend the time limit to respond to your request beyond the ten additional days provided by the statute.

The time needed to complete our work on your request will necessarily depend on a variety of factors including the number of locations that must be searched, the complexity of the search, the volume and complexity of any material located, and consultations with other U.S. Government agencies whose information is included in the material located. The time needed will also depend on the number of other requests ahead of it in the relevant processing track.

This Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Your request has been assigned to the complex track and will be handled as quickly as possible.

In an effort to speed the processing of your request, you may wish to narrow the scope of your request. Among the ways you can do so is by narrowing the date range of requested records, reducing the number of topics requested, excluding certain types of records (such as e-mails and/or paper records) from the request, identifying the particular office/bureau from which you are seeking records, and limiting the number of potentially responsive records you seek. You can also agree to an alternative time frame for processing, should records be located, or you may wish to await the completion of our records search to discuss either of these options.

EXHIBIT 2

To: (Fax) (1) 703-613-3007

Freedom of Information Act Request

Please mail all responses at the following address:

Babar Javed Butt
A# 208 299 802
111 S ALABAMA
OKMULGEE, OK, 74447

Pursuant to the Freedom of Information Act, 5 U.S.C. 552 and the Privacy Act 5 U.S.C. 552a, I request the following information in possession or knowledge of the CIA or any of its employees:

1. All documents, emails, reports, memos, files, articles in possession or in the knowledge of the CIA that discusses any Pakistani citizen accused of blasphemy between 2013 and July 23rd 2019.
2. All documents, emails, reports, memos, files, articles in possession or in the knowledge of the CIA that discusses any *fatwas* or *religious decrees* issued against any Pakistani citizen for committing apostasy, blasphemy, insulting Islam or Prophet Mohammed between 2013 and July 23rd 2019.
3. All documents, emails, reports, memos, files, articles in possession or in the knowledge of the CIA that discusses any court cases filed against any Pakistani citizen accused of committing blasphemy or apostasy between 2013 and July 23rd 2019 and the case outcome.
4. All documents, emails, reports, memos, files, articles in possession or in the knowledge of the CIA that discusses any Pakistani citizen being a target for promoting atheism between 2013 and July 23rd 2019.
5. All documents, emails, reports, memos, files, articles in possession or in the knowledge of the CIA that discusses any Pakistani citizen who was granted asylum either in the United States or in any other country for being an apostate, a blasphemer, an atheist or accused of any activity that allegedly hurt the sentiments of Muslims in Pakistan.

Please provide a reasonably detailed affidavit, setting forth the search terms and the type of search performed, the databases searched, and averring that all files databases and other resources likely to contain responsive materials were searched. In the event that my request is denied in whole or in parts, please provide me with a detailed justification for withholding records. **I also request any segregable portions that are not exempt to be disclosed.**

In addition I also humbly request a waiver of any fees, if possible, as I have been incarcerated for approximately three years with no source of income and my need of the above requested document on urgent basis is to save my life.

Thank you



Babar Butt

A# 208 299 802

111 S Alabama

Okmulgee, OK, 74447

07/23/2019

Central Intelligence Agency



Washington, D.C. 20505

31 July 2019

Mr. Babar Javed Butt
A# 208 299 802
111 S Alabama
Okmulgee, OK 74447

Reference: F-2019-02149

Dear Mr. Babar:

On 26 July 2019, the office of the Information and Privacy Coordinator received your 23 July 2019 correspondence requesting records under the Freedom of Information Act. This is a quick acknowledgement to advise you that we received your request for **all documents, emails, reports, memos, files, articles in possession or in the knowledge of the CIA that discusses:**

- 1) Any Pakistani citizen accused of blasphemy between 2013 and July 23rd 2019;
- 2) Any fatwas or religious decrees issued against any Pakistani citizen for committing apostasy, blasphemy, insulting Islam or Prophet Mohammed between 2013 and July 23rd 2019;
- 3) Any court cases filed against any Pakistani citizen accused of committing blasphemy or apostasy between 2013 and July 23rd 2019 and the case outcome;
- 4) Any Pakistani citizen being a target for promoting atheism between 2013 and July 23rd 2019; and
- 5) Any Pakistani citizen who was granted asylum either in the United States or in any other country for being an apostate, a blasphemer, an atheist or accused of any activity that allegedly hurt the sentiments of Muslims in Pakistan.

Your request was assigned the reference number above. Please use this number when corresponding so that we can identify it easily.

Our officers will review and process your request in more detail and will only communicate to you if they should encounter any problems or if they cannot begin the search without additional information or clarification. We will search for CIA-originated records up to and including the date the Agency starts its search.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Lily".

Mark Lily
Information and Privacy Coordinator

Freedom of Information Act Request

Pursuant to the Freedom of Information Act, 5 U.S.C. 552 and the Privacy Act 5 U.S.C. 552a, I (Babar Javed Butt) request the following information to be provided. The information requested below pertains to the Dallas Immigration Court in Texas so all records should be limited to Dallas Immigration Court.

- a) All complaints filed against immigration judges between 2010 and July 30th 2019.
- b) All records that reflect the resolution of complaints filed against immigration judges, including the type of informal action taken, if any, or formal discipline imposed, if any.
- c) All records that reflect the reasons for resolving complaints against immigration judges and/or findings relied on to resolve complaints against immigration judges, including any reports or memoranda from the Department of Justice Office of Professional Responsibility (OPR) or Office of the Inspector General (OIG).
- d) All records incorporated by reference in documents that reflect the resolution of complaints filed against immigration judges.
- e) An index of the records described in paragraphs (2), (3), and (4) to the extent that those records constitute final opinions, including concurring and dissenti[n]g opinions, as well as orders, made in the adjudication of cases, pursuant to 5 U.S.C. 552(a)(2)(A).

The above request is a similar request submitted by The American Immigration Lawyers Association in which EOIR released over 16000 pages. The only difference is that AILA requested complaints against Immigration Judges across the US and in my request i am only requesting complaints filed against judges in the Dallas District therefore i expect that EOIR should not have any problems in releasing those records.

I am okay with EOIR redacting the names of judges for any privacy reasons however i do expect EOIR to assign every judge a unique identifier and associate that identifier with any complaint file, pretty much similar to the format the AILA was provided.

Please provide a reasonably detailed affidavit, setting forth the search terms and the type of search performed, the databases searched, and averring that all files databases and other resources likely to contain responsive materials were searched. In the event that my request is denied in whole or in parts, please provide me with a detailed justification for withholding records. **I also request any segregable portions that are not exempt to be disclosed.**

Respectfully submitted

Babar Butt
A#208299802
111 S Alabama
Okmulgee, OK, 74447
07/30/2019

For your reference i have cited below the case in which EOIR released similar information to AILA. The case was later decided in Court of Appeals with regards to other issues but my reasoning to reference the case is to show that the records i seek are not exempted.

**AMERICAN IMMIGRATION LAWYERS ASSOCIATION, APPELLANT v. EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW, ET AL., APPELLEES
UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT
830 F.3d 667; 2016 U.S. App. LEXIS 13800
No. 15-5201
February 16, 2016, Argued
July 29, 2016, Decided**

Freedom of Information Act Request

Pursuant to the Freedom of Information Act, 5 U.S.C. 552 and the Privacy Act 5 U.S.C. 552a, I (Babar Javed Butt) hereby request a copy of all records pertaining to myself (Babar Javed Butt) in the possession and knowledge of ICE and its agents.

In addition to requesting a copy of all records pertaining to myself (Babar Javed Butt) in the possession and knowledge of ICE and its agents I specifically request the following information:

- 1) All documents, emails, notes, text messages, voice notes, memo or files, both digital and paper, that contains my name or refer to me in any way in the possession or knowledge of ICE and its agents.
- 2) All documents, medical records, psychiatric evaluations, files, notes both digital or paper that discuss my stay in ICE detention Centers between April 20th 2018 and August 5, 2019. (The two detention Centers where i have been held are (1) Moore Detention Center, Okmulgee, OK and (2) Praise Land Detention Center, Alvarado, Texas).

Please provide a reasonably detailed affidavit, setting forth the search terms and the type of search performed, the databases searched, and averring that all files databases and other resources likely to contain responsive materials were searched. In the event that my request is denied in whole or in parts, please provide me with a detailed justification for withholding records. **I also request any segregable portions that are not exempt to be disclosed.**

In addition I also humbly request a waiver of any fees, if possible, as I have been incarcerated for approximately three years with no source of income and my need of the above requested document on urgent basis is to save my life.

Thank you

Babar Butt
A# 208299802
111 S Alabama
Okmulgee, OK, 74447
08/06/2019

U.S. Department of Homeland Security
500 12th St. SW
Washington, D.C. 20536



**U.S. Immigration
and Customs
Enforcement**

August 15, 2019

Babar Butt

111 South Alabama Avenue

Okmulgee, OK 74447

RE: ICE FOIA Case Number 2019-ICFO-53091

Dear Mr. Butt:

This acknowledges receipt of your August 06, 2019, Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), for all records pertaining to Babar Javed Butt, A# 208 299 802, DOB - 10/22/1984, COB - Pakistan. Your request was received in this office on August 15, 2019.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10- day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to non-commercial requesters. As a non-commercial requester, you will be charged 10 cents per page for duplication; the first 100 pages are free, as are the first two hours of search time, after which you will pay the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.